

JAP:AMC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 49, U.S.C., § 46504)

FRANK LEBRUN,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Janet E. Ambrisco, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about January 8, 2011, the defendant FRANCK LEBRUN, while being an individual on an aircraft in the special aircraft jurisdiction of the United States, did knowingly and intentionally assault and intimidate a flight crew member and flight attendant of the aircraft, interfere with the performance of the duties of the flight crew member and flight attendant, and lessen the ability of the flight crew member and flight attendant to perform those duties.

(Title 49, United States Code, Section 46504.)

The source of your deponent's information and the grounds for her belief are as follows:¹

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On January 8, 2011, your deponent was notified that there had been a disturbance on Delta Airlines Flight 83 as it flew from Nice, France to John F. Kennedy International Airport ("JFK") in Queens, New York.

2. All of the following information was relayed to your deponent by passengers, members of the flight crew, federal air marshals that were aboard Flight 83, or through interviews with other law enforcement agents and reviewing reports of interviews of witnesses.

3. The defendant FRANCK LEBRUN and his companion were traveling to New York as part of a longer trip to Honduras. During the flight the defendant purchased one bottle of Bailey's Irish Creme liquor and one miniature liquor bottle (approximately 50 ml) containing vodka.

4. During the flight, airline crew members suspected that someone had been smoking cigarettes in the mid-forward facing bathroom. Based on their observations and information from other passengers, members of the flight crew confronted FRANCK LEBRUN regarding the smoking in the bathroom. Members of the flight crew instructed LEBRUN not to smoke. When LEBRUN was observed walking toward the bathroom he was again instructed not to smoke. LEBRUN appeared intoxicated and smelled of cigarettes and alcohol. LEBRUN then approached a female flight crew attendant in an aggressive manner and pushed her away with both hands. When the airline attendant instructed LEBRUN not to touch her, LEBRUN pushed her away again with both hands. LEBRUN

followed the attendant to the first class area, near Row 2, at which point the airline attendant instructed LEBRUN to return to his seat. LEBRUN again approached the attendant and shoved her with two hands. LEBRUN was instructed several times to return to his seat. During the entire encounter with flight crew members, LEBRUN was speaking in a confrontational manner using expletives in English and made other comments in French.

5. A federal air marshal identified himself to LEBRUN and instructed LEBRUN to return to his seat. LEBRUN walked toward the rear of the plane. As LEBRUN walked toward the rear of the plane he continued to shout and waive his arms in an excited manner.

6. Two other federal air marshals identified themselves to LEBRUN and asked LEBRUN to produce his passport. An airline flight attendant also interpreted the air marshal's instruction into French for LEBRUN. LEBRUN continued to scream and yell expletives and then aggressively positioned himself toward one of the federal air marshals in a fighting stance. In response, federal air marshals handcuffed LEBRUN and seated him in the rear section of the aircraft.

7. LEBRUN continued to verbally abuse individuals around him, yelling in substance "I'm French, fuck you!" When LEBRUN's companion brought LEBRUN's carry on item to the location where LEBRUN was being detained, LEBRUN became more agitated and flailed his arms and legs, striking one federal air marshals in the right leg with LEBRUN's left foot.

8. After the LEBRUN was detained by federal air marshals, a member of the flight crew found a one liter bottle of Bailey's Irish Creme liquor in the defendant's carry on baggage that was only approximately one-quarter full.

9. It is your deponent's understanding that the plane in question is a "civil aircraft of the United States," pursuant to 49 U.S.C. § 46501(2)(a), in that it is registered by Delta Airlines under Chapter 441 of Title 49. See 49 U.S.C. § 40102(a)(17). It is further your deponent's understanding that the plane in question was "in flight," as defined in 46 U.S.C. § 46501(1) during the events described herein.

WHEREFORE, your deponent respectfully requests that defendant FRANCK LEBRUN be dealt with according to law.

S/ Janet Ambrisco

JANET E. AMBRISCO
Special Agent
Federal Bureau of Investigation

Sworn to before me this
10th Day of January 2011

S/ Marilyn Go

United States Magistrate Judge
Eastern District of New York